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ABSTRACT

This report of the Committee on Resources recommends House of Representatives approval of (H.R. 1179), the Historically Black Colleges and Universities Historic Building Restoration and Preservation Act, as amended, to ensure the preservation of buildings eligible for funding under the Historic Preservation Act on the campuses of historically black colleges and universities. A total of $29 million is authorized, of which $22.9 million is earmarked in various amounts for grants to the following 12 institutions: Fisk University and Knoxville College in Tennessee; Miles College, Talladega College, Selma University, Stillman College, and Concordia College in Alabama; Allen University, Claflin College, and Voorhees College in South Carolina; and Rust College and Tougaloos University in Mississippi. The report outlines the background and need for the legislation, lists prior Committee actions, provides a section-by-section analysis of the bill, addresses cost and compliance matters, and includes an inflationary impact statement. A communication from the Congressional Budget Office estimates the budgetary implications of the bill. (CH)

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104TH CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
104–758

ED 399 905

HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

SEPTEMBER 4, 1996.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. YOUNG of Alaska, from the Committee on Resources, submitted the following

REPORT

[To accompany H.R. 1179]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 1179) to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. HISTORICALLY BLACK COLLEGES AND UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION.

(a) AUTHORITY TO MAKE GRANTS.—From the amounts made available to carry out the National Historic Preservation Act, the Secretary of the Interior shall make grants in accordance with this section to eligible historically black colleges and universities for the preservation and restoration of historic buildings and structures on the campus of these institutions.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee covenants, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property with respect to which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT FOR BUILDINGS AND STRUCTURES LISTED ON THE NATIONAL REGISTER OF HISTORIC PLACES.—(1) Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant with respect to a building or structure listed on, or eligible for listing on, the National Register of Historic Places only if the grantee agrees to match, from funds derived

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from non-Federal sources, the amount of the grant with an amount that is equal or greater than the grant.

(2) The Secretary may waive paragraph (1) with respect to a grant if the Secretary determines from circumstances that an extreme emergency exists or that such a waiver is in the public interest to assure the preservation of historically significant resources.

(d) FUNDING PROVISION.—Pursuant to section 108 of the National Historic Preservation Act, $29,000,000 shall be made available to carry out the purposes of this section. Of amounts made available pursuant to this section, $5,000,000 shall be available for grants to Fisk University, $2,500,000 shall be available for grants to Knoxville College, $2,000,000 shall be available for grants to Miles College, Alabama, $1,500,000 shall be available for grants to Talladega College, Alabama, $1,550,000 shall be available for grants to Selma University, Alabama, $250,000 shall be available for grants to Stillman College, Alabama, $200,000 shall be available for grants to Concordia College, Alabama, $2,900,000 shall be available for grants to Allen University, South Carolina, $1,000,000 shall be available for grants to Claflin College, South Carolina, $2,000,000 shall be available for grants to Voorhees College, South Carolina, $1,000,000 shall be available for grants to Rust College, Mississippi, and $3,000,000 shall be available for grants to Tougaloo University, Mississippi.

(e) REGULATIONS.—The Secretary shall develop such guidelines as may be necessary to carry out this section.

(f) DEFINITIONS.—For the purposes of this section:

(1) HISTORICALLY BLACK COLLEGES.—The term "historically black colleges and universities" has the same meaning given the term "part B institution" by section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(2) HISTORIC BUILDING AND STRUCTURES.—The term "historic building and structures" means a building or structure listed on, or eligible for listing on, the National Register of Historic Places or designated a National Historic Landmark.

PURPOSE OF THE BILL

The purpose of H.R. 1179 is to authorize funds to ensure the preservation of historically significant buildings on the campuses of historic black colleges and universities.

BACKGROUND AND NEED FOR LEGISLATION

The targeting of bricks and mortar funding from the Historic Preservation Fund, as proposed under this legislation, for a specific category of resources was first provided for in the mid-1980s for lighthouses. Under the Bush Administration, Secretary of the Interior Lujan developed the program to provide funding for historically black colleges and universities from the Historic Preservation Fund.

For the last several years, several million dollars have been included in the Department of the Interior Appropriation Acts for this purpose. The work which has been accomplished to date meets the appropriate standards with respect to use of the Historic Preservation Fund.

The Historic Preservation Act currently provides a generic authorization of funding for historic preservation bricks and mortar projects. Unfortunately, in recent years about 98 percent of the funding allocated for the Historic Preservation Fund has been used for further studies and inventories, and only a small amount has gone to the actual repair of buildings. This legislation ensures that some portion of the Historic Preservation Fund would continue to be directed to such bricks and mortar work.

There is one concern with this legislation. Specifically, it is not clear that historically black colleges and universities are the highest priority use of these funds. In fact, the National Park Service

already sends to Congress an annual report on the most threatened national historic landmarks, and none of the buildings eligible for funding under this authorization have been placed on that list in recent years.

COMMITTEE ACTION

H.R. 1179 was introduced on March 9, 1995, by Congressman Bob Clement (D–TN) and Congressman John J. Duncan, Jr. (R–TN). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on National Parks, Forests and Lands. On March 20, 1996, the Subcommittee held a hearing on H.R. 1179. On April 18, 1996, the Subcommittee met to mark up H.R. 1179. An amendment to in the nature of a substitute was offered by Congressman James V. Hansen (R–UT). Congressman Bill Richardson (D–NM) offered an amendment to the Hansen amendment which added colleges and universities in Alabama, South Carolina and Mississippi to the list of those eligible to receive grants under the bill. The amendment was adopted by voice vote. The amendment in the nature of a substitute as amended was then adopted by voice vote, and the bill was ordered favorably reported to the Full Committee by voice vote. On August 1, 1996, the Full Resources Committee met to consider H.R. 1179. An amendment in the nature of a substitute was offered by Congressman Duncan. Congressman Richardson offered an amendment to the Duncan amendment to add two colleges in Alabama to the list of those eligible to receive grants under the bill. The Richardson amendment was adopted by voice vote and the Duncan amendment, as amended, was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by voice vote.

SECTION-BY-SECTION ANALYSIS

Section 1. Historically black colleges and universities historic building restoration and preservation

Section 2(a) directs the Secretary of the Interior to make grants from the Historic Preservation Fund for preservation and restoration of historic buildings on the campuses of historically black colleges and universities. The bill limits funding to those buildings on or eligible for the National Register of Historic Places. The Committee believes that this level of historic significance is appropriate for the expenditure of federal funds. The Committee does not expect that use of funds for this purpose will have any relationship to the overall appropriation to the Historic Preservation Fund, noting that the allocation of funds for this program has never been close to the $150 million annual ceiling.

As a condition of the grant, the grantee shall agree not to make any alteration to the building without the concurrence of the Secretary, and shall ensure reasonable public access. The Committee intends for this limitation to only apply to alteration of historic integrity of the structure, as opposed to any change, regardless of how cosmetic. The bill further provides that expenditure of funds pursuant to this Act by the Secretary may only be made in those cases where the grantee provides non-federal funds in an amount

equal to or greater than the amount of federal funds. The text provides for an exception in the case of an extreme emergency or in the public interest. The Committee expects that the use of this exception authority will meet the highest standards. For example, use of funds to correct a chronic problem would not be appropriate under this authority, while use of the authority to correct severe storm damage could be appropriate.

Subsection (d) authorizes a total of $29 million and includes earmarks for certain institutions which the Committee believes warrant special consideration. Subsection (e) authorizes the issuance of any necessary guidelines and subsection (f) defines terms for the Act.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 2(l)(3) of rule XI of the Rules of the House of Representatives, and clause 2(b)(1) of rule X of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that the enactment of H.R. 1179 will have no significant inflationary impact on prices and costs in the operation of the national economy.

COST OF THE LEGISLATION

Clause 7(a) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out H.R. 1179. However, clause 7(d) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974.

COMPLIANCE WITH HOUSE RULE XI

1. With respect to the requirement of clause 2(l)(3)(B) of rule XI of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, H.R. 1179 does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

2. With respect to the requirement of clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 1179.

3. With respect to the requirement of clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1179 from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, August 28, 1996.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1179, a bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities, as ordered reported by the House Committee on Resources on August 1, 1996. We estimate that implementing this bill would increase discretionary spending by a total of $29 million over the 1997–2002 period, assuming the appropriation of the authorized amounts. Enacting H.R. 1179 would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply to the bill.

H.R. 1179 would direct the Secretary of the Interior to make matching grants to historically black colleges and universities for restoring and preserving historic buildings on their campuses. The Secretary would be directed to allocate a total of $29 million for such grants from the amounts appropriated to the Historic Preservation Fund. Assuming the appropriation of the authorized amounts, CBO expects that the eligible institutions would satisfy the funding conditions outlined in the bill and that the money would be spent over the next six years.

H.R. 1179 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), and would have no impact on the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

JUNE E. O'NEILL, *Director.*

COMPLIANCE WITH PUBLIC LAW 104–4

H.R. 1179 contains no unfunded mandates.

CHANGES IN EXISTING LAW

H.R. 1179 makes no changes in existing law.

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